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CENTRAL DISTRICT OF CALIFORNIA
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7 **UNITED STATES DISTRICT COURT FOR**
8 **THE CENTRAL DISTRICT OF CALIFORNIA**

9 **WESTERN DIVISION**

11 **TODD R. G. HILL, et al.,**

13 **Plaintiffs**

15 **vs.**

17 **THE BOARD OF DIRECTORS,**
18 **OFFICERS AND AGENTS AND**
19 **INDIVIDUALS OF THE PEOPLES**
20 **COLLEGE OF LAW, et al.,**

21 **Defendants.**

12 **CIVIL ACTION NO. 2:23-cv-01298-CV-BFM**

13 **The Hon. Josephine L. Staton**
14 **Courtroom 8A, 8th Floor**

15 **Magistrate Judge Brianna Fuller Mircheff**
16 **Courtroom 780, 7th Floor**

17 **PLAINTIFF'S REPLY TO DEFENDANTS'**
18 **OPPOSITION TO NOTICE OF**
19 **PROCEDURAL MISREPRESENTATION,**
20 **BAD FAITH LITIGATION, AND REQUEST**
21 **FOR JUDICIAL NOTICE [DOCKET 245]**

22 **NO ORAL ARGUMENT REQUESTED**

23 **PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO NOTICE OF PROCEDURAL**
24 **MISREPRESENTATION, BAD FAITH LITIGATION, AND REQUEST FOR JUDICIAL NOTICE [Dkt. 245]**

25 **CASE 2:23-CV-01298-CV-BFM**

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PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO NOTICE OF PROCEDURAL
MISREPRESENTATION, BAD FAITH LITIGATION, AND REQUEST FOR JUDICIAL NOTICE [DKT. 245]

1 **PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO NOTICE OF PROCEDURAL**
2 **MISREPRESENTATION, BAD FAITH LITIGATION, AND REQUEST FOR JUDICIAL**
3 **NOTICE [DOCKET 245]**

4 TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
5 RECORD:

6
7 Plaintiff Todd R.G. Hill respectfully submits this reply to Defendants' Opposition [Dkt. 245]
8 to Plaintiff's Notice of Procedural Misrepresentation, Bad Faith Litigation, and Request for Judicial
9 Notice.

10
11 **I. INTRODUCTION**

12 Although Defendants' filing at Docket 245 fails to identify the docket number or title of the
13 document it purports to oppose, its substance unmistakably responds to Plaintiff's *Notice of*
14 *Procedural Misrepresentation, Bad Faith Litigation, and Request for Judicial Notice* [Dkt. 226]. This
15 lack of citation introduces unnecessary ambiguity into the record and exemplifies the very procedural
16 misrepresentation and rhetorical obfuscation Plaintiff seeks to remedy. In the interest of preserving
17 the integrity of the record and judicial economy, Plaintiff requests that the Court formally recognize
18 Docket 245 as an opposition to Docket 226.

19 Defendants' Opposition at Docket 245 is notable not for what it rebuts, but for what it
20 strategically avoids. It fails to contest the authenticity or relevance of the documents sought to be
21 judicially noticed. It offers no legal authority to counter Plaintiff's invocation of Federal Rule of
22 Evidence 201, Rule Fed. R. Civ. P. 26(d)(1), or Fed. R. Civ. P. 1. And it provides no explanation for
23 Defendants' continued reliance on procedural ambiguity as a basis to obstruct discovery. Instead,
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26 **PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO NOTICE OF PROCEDURAL**
27 **MISREPRESENTATION, BAD FAITH LITIGATION, AND REQUEST FOR JUDICIAL NOTICE [DKT. 245]**

1 Defendants resort to narrow parsing of a single sentence in an effort to obscure the broader
2 procedural history and litigation posture that fully justify judicial notice and Plaintiff's request for
3 remedial intervention.

5 Whether or not the sentence appears verbatim, Defendants' consistent use of Rule 8 objections in
6 formal filings—including their refusal to proceed with discovery on that basis—demonstrates the
7 substance of their litigation posture, and this Court may judicially notice such positions under Rule
8 201(b)(2).

10 Defendants cite *Lee v. City of Los Angeles*, 250 F.3d 668, 689–90 (9th Cir. 2001), yet fail to
11 explain how it precludes judicial notice in this context; indeed, *Lee* explicitly permits notice of court
12 records and filings for the purpose of recognizing the existence of pleadings and the legal positions
13 asserted therein—not for the truth of the facts asserted—making their reliance misplaced and legally
14 inapposite.

16 Notably, Defendants' assertion that Plaintiff seeks 'improper sanctions' mischaracterizes the
17 relief requested; the Notice plainly seeks procedural clarification and judicial notice under Rule
18 201—not monetary or punitive sanctions under Rule 11 or § 1927—and any reference to sanctions
19 was made in context of systemic procedural abuse that remains unrefuted. Contrary to Defendants'
20 assertion, Plaintiff has not filed a motion for sanctions under Rule 11 or 28 U.S.C. § 1927. Plaintiff's
21 reference to procedural misrepresentation is supported by the record and included solely to aid the
22 Court's supervisory oversight under Rule 1. Where a pattern of obstruction and ambiguity hinders
23 fair adjudication, calling attention to those tactics is not sanctionable conduct—it is a procedural
24 necessity. To be clear, no monetary or punitive sanctions have been requested; only judicial
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PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO NOTICE OF PROCEDURAL
MISREPRESENTATION, BAD FAITH LITIGATION, AND REQUEST FOR JUDICIAL NOTICE [DKT. 245]

1 recognition of the pattern of misrepresentation and corresponding relief to restore clarity and parity in
2 the litigation.
3

4 Plaintiff respectfully requests that the Court formally recognize (1) that the Third Amended
5 Complaint remains operative unless otherwise ordered; (2) that the Proposed Amended Third
6 Amended Complaint remains pending without ruling; and (3) that the Court take judicial notice of
7 Defendants' continued reliance on objections contradicted by the Court's prior findings. This
8 clarification will promote procedural discipline and judicial economy while avoiding the continued
9 use of ambiguity as a litigation weapon.
10

11

12 II. DEFENDANTS' ARGUMENT MISCHARACTERIZES THE RECORD

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14 Defendants allege that Plaintiff fabricated a statement regarding their position on Rule 8
15 compliance. This is not only false, it is immaterial. Defendants have repeatedly invoked Rule 8
16 objections throughout the litigation, and their Case Management Statement echoed prior contentions
17 that Plaintiff's pleadings were deficient. Whether phrased identically or not, the Court is entitled to
18 take judicial notice of their litigation position under Rule 201(b)(2), particularly where it has been
19 reflected in formal court filings.
20

21 More importantly, the Magistrate Judge's Report and Recommendation [Dkt. 213] independently
22 found the Third Amended Complaint (TAC) to be in substantial compliance with Rule 8. Defendants
23 did not object to this finding and have continued to rely on Rule 8 arguments to delay discovery.
24 Their current attempt to disavow this record illustrates the very procedural inconsistency and
25 misrepresentation that Plaintiff's Notice seeks to address.
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PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO NOTICE OF PROCEDURAL
MISREPRESENTATION, BAD FAITH LITIGATION, AND REQUEST FOR JUDICIAL NOTICE [DKT. 245]

III. JUDICIAL NOTICE IS APPROPRIATE UNDER RULE 201

Federal Rule of Evidence 201(b)(2) permits judicial notice of facts that are not subject to reasonable dispute because they "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." The documents at issue—including prior court filings, judicial findings, and Defendants' Case Management Statement—are squarely within this category.

Plaintiff does not seek judicial notice of disputed inferences, but of procedural facts: what Defendants filed, what they said, and what the Court acknowledged. These are proper subjects for judicial notice and essential to resolving whether Defendants are acting in good faith. (*See United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980) (A court may take judicial notice of its own records in other cases, as well as the records of inferior courts in other cases.))

IV. RULE 26(D)(1) AND EARLY DISCOVERY REMAIN UNCONTESTED

Defendants' Opposition at Docket 245 once again fails to address the governing standard under Rule 26(d)(1), which allows the Court to authorize discovery prior to a Rule 26(f) conference for good cause. Plaintiff's filings at Dockets 197, 199, 231, and 243 establish that good cause exists based on:

- a. Judicially noticed internal admissions of transcript irregularities;
- b. Legislative findings and State Bar documents confirming concealed records;
- c. Defendant Spiro's own email admission regarding transcript alteration.

Defendants' silence on these points and refusal to engage the factual basis for discovery constitute tacit admissions

PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO NOTICE OF PROCEDURAL MISREPRESENTATION, BAD FAITH LITIGATION, AND REQUEST FOR JUDICIAL NOTICE [DKT. 245]

1 **V. DEFENDANTS' OPPOSITION FAILS TO IDENTIFY THE DOCUMENT IT**
2 **PURPORTS TO OPPOSE**

3 Defendants' Opposition (Docket 245) fails to identify the docket item it purports to oppose,
4 offering no citation to the actual filing or docket number. However, its arguments unmistakably
5 respond to Plaintiff's *Notice of Procedural Misrepresentation, Bad Faith Litigation, and Request for*
6 *Judicial Notice* filed at Docket 226. The absence of a direct reference suggests either a lack of
7 procedural diligence or a deliberate attempt to cloud the record. To avoid ambiguity, Plaintiff
8 confirms that Docket 245 is directed at Docket 226, and requests the Court to evaluate Haight's filing
9 accordingly, particularly given the seriousness of the allegations addressed therein.

10 This omission creates procedural ambiguity and invites confusion about the purpose and scope of
11 the filing. Courts expect oppositions to clearly identify the motion or notice being addressed. This
12 deliberate lack of clarity is consistent with Defendants' broader litigation strategy: one that relies on
13 procedural evasion and rhetorical ambiguity rather than legal engagement with the actual record.
14 Plaintiff preemptively clarifies that Docket 245 appears to be a response to Plaintiff's Notice of
15 Procedural Misrepresentation, Bad Faith Litigation, and Request for Judicial Notice [Dkt. 226], and
16 any attempt to later reframe it otherwise should be deemed procedurally improper.

17 Litigation is not a shell game, and procedural uncertainty, particularly when prolonged, inflicts
18 material prejudice on the litigant seeking clarity. Defendants' evasive framing leaves the Court with
19 no benefit and Plaintiff with no remedy unless procedural accuracy is restored.

20 Should Defendants attempt to recharacterize their filing after the fact, the record should reflect
21 that ambiguity was a feature of their filing, not an oversight and consistent with a broader pattern of
22 strategic obfuscation.

23 **PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO NOTICE OF PROCEDURAL**
24 **MISREPRESENTATION, BAD FAITH LITIGATION, AND REQUEST FOR JUDICIAL NOTICE [DKT. 245]**

VI. PROCEDURAL POSTURING CANNOT SHIELD DEFENDANTS FROM ACCOUNTABILITY

As the Supreme Court recognized in *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44–46 (1991), “Courts of justice are universally acknowledged to be vested... with power to impose silence, respect, and decorum in their presence, and submission to their lawful mandates,”—a power that becomes essential when a party’s pattern of procedural misrepresentation and evasive filings threatens to undermine the orderly administration of justice.

Defendants' effort to reframe Plaintiff's notice as sanctionable fabrication reflects an attempt to avoid addressing their own litigation conduct. Their failure to respond to critical filings for months, followed by selectively reactive oppositions that ignore the record, demonstrates a pattern of delay, not defense. The Court should not permit the litigation to stall further based on rhetorical mischaracterization.

Judicial inaction on the PAC (Dockets 163 & 164) has allowed procedural misrepresentations to persist unchecked—an injury that justifies judicial notice and procedural correction under Rule 1's directive to secure the just, speedy, and inexpensive determination of every action.

VII. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court:

- A. Grant judicial notice of the statements, findings, and filings identified in the original Notice;
- B. Recognize Defendants' procedural misrepresentation as part of an ongoing effort to obstruct discovery;
- C. Consider issuing a scheduling order authorizing targeted discovery;

PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO NOTICE OF PROCEDURAL MISREPRESENTATION, BAD FAITH LITIGATION, AND REQUEST FOR JUDICIAL NOTICE [Dkt. 245]

1 D. And issue any further relief the Court deems just and proper.
2

3 **Furthermore, to avoid continued ambiguity, Plaintiff respectfully asks the Court to take**
4 **judicial notice of the procedural record to clarify that the TAC remains operative, the PAC**
5 **remains pending, and that discovery is not frozen under any rule or binding order.**
6

7 Plaintiff respectfully submits these requests to ensure procedural fairness, transparency, and
8 adherence to constitutional principles fundamental to the proper administration of justice.
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10 Respectfully submitted,
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12 Dated: March 27, 2025
13 Respectfully submitted,

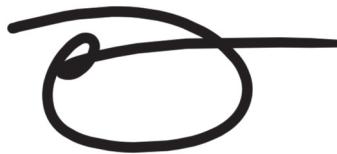
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17 Todd R. G. Hill
18 Plaintiff, Pro Se
19

20 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**
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22 The undersigned party certifies that this brief contains 1,558 words, which complies with the 7,000-
23 word limit of L.R. 11-6.1.
24

Respectfully submitted,


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28 **PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO NOTICE OF PROCEDURAL
MISREPRESENTATION, BAD FAITH LITIGATION, AND REQUEST FOR JUDICIAL NOTICE [DKT. 245]**

1 March 27, 2025
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Todd R.G. Hill

4 Plaintiff, in Propria Persona
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Plaintiff's Proof of Service

7 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-
8 3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a
9 document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the
10 CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court
11 and (2) all pro se parties who have been granted leave to file documents electronically in the case
12 pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service
13 through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.
14 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
15 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.
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17 Respectfully submitted,
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March 27, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona

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MISREPRESENTATION, BAD FAITH LITIGATION, AND REQUEST FOR JUDICIAL NOTICE [DKT. 245]**

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